## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

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	Defendant.	)			
HOME TECH et al.,	SERVICES CO., INC.,	)			
vs.		)	No.	05-2019 Ma/V	
	Plaintiff,	)			
OLIVIA SH	EPARD HAYES, YES,	)			THOWAS M. GOULD CLERK, U.S. DISTRICT COURT W/D OF TN, MEMPHIS

## ORDER GRANTING DEFENDANT'S MOTION TO COMPEL

Before the court is the July 8, 2005 motion of the defendant, NovaStar Mortgage, Inc., pursuant to Rule 37 of the Federal Rules of Civil Procedure, to compel the plaintiffs, Olivia Shepard Hayes and Janice Hayes, to respond to NovaStar's first set of requests for admissions served on the plaintiffs on May 19, 2005. The motion has been referred to the United States Magistrate Judge for determination. For the following reasons, the motion is granted.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. The plaintiffs have not filed a response to this motion, and the time for responding has now expired. Rule 7.2(a)(2) further provides that "[f]ailure to respond timely to any motion . . . may be deemed good grounds for granting the motion."

In the absence of any response by the plaintiffs, NovaStar's motion is granted. The plaintiffs are directed to respond to NovaStar's first set of requests for admission within fifteen days of the date of service of this order.

IT IS SO ORDERED this 7th day of September, 2005.

DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE



## **Notice of Distribution**

This notice confirms a copy of the document docketed as number 50 in case 2:05-CV-02019 was distributed by fax, mail, or direct printing on September 13, 2005 to the parties listed.

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Honorable Samuel Mays US DISTRICT COURT